

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND SEVENTY TWO THOUSAND FIVE HUNDRED THITREEN DOLLARS AND SIXTY CENTS (\$72,513.60) TO THE LANE CONSTRUCTION CORPORATION, LOCATED AT 90 FIELDSTONE COURT, CHESHIRE, CT, 06410, FOR AN OVERPAYMENT OF OCCUPATIONAL TAXES TO THE CITY OF ATLANTA.

WHEREAS, the City of Atlanta is authorized to collect occupational taxes on business doing business within the jurisdiction of the City of Atlanta; and

WHEREAS, The Lane Construction Corporation, located at 90 Fieldstone Court, Cheshire Ct, 06410 erroneously reported actual gross receipts in the amount of twenty nine million four hundred thirty one thousand nine hundred twenty three dollars and no cents (\$29,431,923.00) for 2008 in addition to projected gross receipts for 2009 to the City of Atlanta's Office of Revenue for Occupational tax purposes and remitted seventy two thousand five hundred thirteen dollars and sixty cents (\$ 72, 513.60) in tax payments; and

WHEREAS, whereas the reported revenues reflect receipts derived from a state contract with the Georgia Department of Transportation and the Georgia Code 50-17-29(e) exempts corporations from paying taxes on receipts derived from work performed on Government contracts: and

WHEREAS, The Lane Construction Corporation has requested a refund for the erroneous payment of taxes; and

WHEREAS, the Office of Revenue has received proper and adequate documentation to verify both, the exempt status and erroneous payment; and

WHEREAS, the Office of Revenue has determined that The Lane Construction Corporation is entitled to a refund in the amount of seventy two thousand five hundred thirteen dollars and sixty cents (\$ 72, 513.60) for an overpayment of taxes; and

WHEREAS, all refunds in excess of five thousand dollars (\$5,000.00) require adoption and approval by the City of Atlanta City Council and the Mayor before any funds can be disbursed;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

SECTION 1: The Chief Financial Officer is hereby directed to issue a refund to The Lane Construction Corporation in the amount of seventy two thousand five hundred thirteen dollars and sixty cents (\$ 72, 513.60), which represents the overpayment.

SECTION 2: All funds shall be charged and paid from Fund Department Organization Account Number 1001 (General Fund) 200301 (Dept NDP Unallocated – Citywide Employee Expenses) 5730012 (Account Refunds) 1540000 (Function Activity Human Resources) in the amount of seventy two thousand five hundred thirteen dollars and sixty cents (\$ 72, 513.60)

SECTION 3: That all resolutions and parts of resolutions in conflict herewith and the same are hereby repealed.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance Executive

Caption: A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND SEVENTY TWO THOUSAND FIVE HUNDRED THITREEN DOLLARS AND SIXTY CENTS (\$72,513.60) TO THE LAND CONSTRUCTION CORPORATION, LOCATED AT 90 FIELDSTONE COURT, CHESHIRE, CT, 06410, FOR AN OVERPAYMENT OF OCCUPATIONAL TAXES TO THE CITY OF ATLANTA

Council Meeting Date: May 3, 2010

Requesting Dept.: Department of Finance

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to refund an overpayment of Business License Fees .

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The Lane Construction Corporation located at 90 Fieldstone Court, Cheshire , Connecticut 06410 erroneously reported actual gross receipts in the amount of \$29,431,923.00 for 2008 & projected gross receipts for 2009 to the City of Atlanta's Office of Revenue for Occupational tax purposes. The corporation remitted \$ 72, 513.60 in tax payments as well. Whereas, the Contract was with the Georgia Department of Transportation and the Georgia Code 50-17-29(e) exempts corporations from paying taxes on receipts derived from work performed on Government contracts.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center:

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: The legislation will result in a reduction in the amount of \$72,513.60 in the 1001 (General fund), 200301 (NDP Unallocated-Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources).

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: N/A

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

This Legislative Request Form Was Prepared By: Jerome Bodiford, Finance Department x6431, submitted by LaShawn Gardiner, x6449

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Candace Byrd

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: (404) 330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: April 13, 2010

Anticipated Committee Meeting Date(s): April 27-28, 2010

Anticipated Full Council Date: May 3, 2010

Legislative Counsel's Signature: Jack Tilson

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

A Resolution authorizing the Chief Financial Officer to refund seventy two thousand five hundred thirteen dollars and sixty cents (\$72,513.60) to the Lane Construction Corporation, located at 90 Fieldstone Court, Cheshire, CT 06410, for an overpayment of occupational taxes to the City of Atlanta; and for other purposes.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date) 4/13/10 (date) _____
Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)